

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA**

In Re:

**Benjamin Parker Hartsell
235 Winding Way
Salisbury, NC 28147**

AMENDED

Case No. **14-50967**

Chapter **13**

SS# **xxx-xx-1280**

SS# _____

Debtor(s)

NOTICE TO CREDITORS AND PROPOSED PLAN

The Debtor(s) filed for relief under Chapter 13 of the United States Bankruptcy Code on August 29, 2014 .

The filing automatically stays collection and other actions against the Debtor, Debtor's property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the proof of claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

CHAPTER 13 PLAN SUMMARY

The Debtor proposes an initial plan, which is subject to modification, as follows:

I. Plan Payments

The plan proposes a payment of **\$2,500.00** per month for a period of **60** months. The Debtor shall commence payments to the Trustee within thirty (30) days from the date the petition was filed.

II. Administrative Costs

1. Attorney fees.

- ☒ The attorney for the Debtor will be paid the base fee of \$3,700.00. The Attorney has received \$ **1,200.00** from the Debtor pre-petition and the remainder of the base fee will be paid monthly by the Trustee as funds are available, after scheduled monthly payments to holders of domestic support obligations and allowed secured claims.
- ☐ The Attorney for the Debtor will file application for approval of a fee in lieu of the presumptive fee.

2. **Trustee costs.** The Trustee will receive from all disbursements such amount as approved by the Court for payment of fees and expenses

III. Priority Claims

All pre-petition claims entitled to priority under 11 U.S.C. § 507 will be paid in full in deferred cash payments unless otherwise indicated.

1. Domestic Support Obligations ("DSO")

- a. ☒ None
- b. The name, address, and phone number, including area code, of the holder of any DSO as defined in § 101(14A) is as follows:

Name of DSO Claimant	Address, city, state & zip code	Telephone Number

- c. All **post-petition** DSO amounts will be paid directly by the Debtor to the holder of the claim and not by the Trustee.
- d. Arrearages owed to DSO claimants under 11 U.S.C. § 507(a)(1)(A) not presently paid through wage garnishment will be paid by the Trustee as follows:

Name of DSO Claimant	Estimated Arrearage Claim	Monthly Payment

2. Other priority claims to be paid by Trustee

Creditor	Estimated Priority Claim
Bost Law Firm	\$2,500.00

IV. Secured Claims

1. Real Property Secured Claims

a. ☐ None

b. All payments on any claim secured by real property will be paid by the Trustee unless the account is current, in which case the Debtor may elect to continue making mortgage payments directly. Arrearage claims will be paid by the Trustee as separate secured claims over the term of the plan, without interest.

Creditor	Property Address	Residence or Non-residence R/NR	Current Y/N	Monthly Payment	Arrearage Amount	If Current Indicate Payment by Debtor (D) or Trustee (T)
Helzberg Diamonds/Cap 1 Retail Svcs	Wedding jewelry	NR	Y	\$625.00	\$0.00	T

2. Personal Property Secured Claims

a. ☐ None

b. Claims secured by personal property will be paid by the Trustee as follows:

Creditor	Collateral	Secured Amount	Purchase Money Y/N	Under-secured Amount	Pre-confirmation adequate protection payment per § 1326(a)(1)	Post-confirmation Equal Monthly Amount (EMA)	Proposed Interest Rate
Honda Financial Svcs	2012 Honda Odyssey Van (over 30,000 miles)	\$31,300.00	N	\$7,042.00	\$692.00	\$692.00	5%
RBS Citizens	2015 Honda Pilot (equitable ownership - in Fathers name for credit purposes but Debtor makes pymts)	\$35,000.00	N	\$8,263.00	\$650.00	\$650.00	5%

The Trustee will disburse pre-confirmation adequate protection payments to secured creditors holding allowed purchase money secured claims. Claims having a collateral value of less than \$2,000.00 will not receive adequate protection payments.

To the extent that the valuation provisions of 11 U.S.C. § 506 do not apply to any of the claims listed above, the creditor's failure to object to confirmation of the proposed plan shall constitute the creditor's acceptance of the treatment of its claim as proposed, pursuant to 11 U.S.C. § 1325(a)(5)(A).

3. Collateral to be Released

The Debtor proposes to release the following collateral:

Creditor	Collateral to be Released
-NONE-	

4. Liens to be Avoided

The Debtor pursuant to 11 U.S.C. § 522 proposes to avoid the following liens on property to the extent that such liens impair the Debtor's exemption:

Lien Creditor	Property
-NONE-	

V. Co-Debtor Claims

The Debtor proposes to separately classify for payment in full the following claims for consumer debts on which an individual is liable with the Debtor:

Creditor	Co-Debtor	Interest Rate	Monthly Payment
-NONE-			

VI. General Unsecured Claims Not Separately Classified

General unsecured claims will be paid on a pro-rata basis, with payments to commence after priority unsecured claims are paid in full. The estimated dividend to general unsecured claims is 82 %.

VII. Executory Contracts/Leases

- a. ☒ None
- b. The following executory contracts and/or leases will be rejected:

Creditor	Nature of lease or contract

- c. The following executory contracts and/or leases will be assumed. The Debtor will pay directly all lease payments which come due from the petition filing date until confirmation of the plan. Upon confirmation, payments will be paid as follows:

Creditor	Nature of Lease or Contract	Monthly payment	Monthly payment paid by Debtor (D) or Trustee (T)	Arrearage Amount	Arrearage paid by Debtor (D) or Trustee (T)	Arrearage monthly payment
-NONE-						

VIII. Special Provisions

- a. ☐ None
- b. Other classes of unsecured claims and treatment
- c. Other Special Terms
Debtor will pay for 2015 Honda Pilot directly

Date: October 20, 2014

/s/ William V. Bost

William V. Bost

Attorney for the Debtor

Address: **207 West Kerr Street
Salisbury, NC 28144**

Telephone: **704-637-0312**

State Bar No. **6041**

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In Re:

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SS# xxx-xx-1280

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AND
PROPOSED PLAN**

Case No. 14-50967

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the Notice to Creditors and Proposed Plan was served by first class mail, postage prepaid, to the following parties at their respective addresses:

**Reid Wilcox
Clerk of Court
U.S. Bankruptcy Court
Middle District of North Carolina
P.O. Box 26100
Greensboro, NC 27402**

**Kathryn L. Bringle
Chapter 13 Trustee
Winston-Salem Division
Post Office Box 2115
Winston-Salem, NC 27102-2115**

**Bank of America
PO Box 15026
Wilmington, DE 19850**

**Bank of America
PO Box 982235
El Paso, TX 79998-2235**

**Best Buy Credit Services
PO Box 790441
Saint Louis, MO 63179-0441**

**Best Buy/CBNA
PO Box 6497
Sioux Falls, SD 57117-6497**

**Bost Law Firm
207 W Kerr St
Salisbury, NC 28144**

**Cap 1/Helzberg's Diamond Shop
PO Box 30253
Salt Lake City, UT 84130-0253**

**CB Disputes
PO Box 108
Saint Louis, MO 63166-0108**

**GECRB/Lowe's
PO Box 965005
Orlando, FL 32896-5005**

**Harley Davidson Credit Corp
c/o Law Offices of Ross Gelfand, LLC
1265 Minhinette Dr, Ste 150
Roswell, GA 30075**

**Harley Davidson Financial
4150 Technology Way**

Carson City, NV 89706-2009

**Helzberg Diamonds/Cap 1 Retail Svcs
PO Box 5893
Carol Stream, IL 60197-5893**

**Honda Financial Svcs
PO Box 49070
Charlotte, NC 28277-9070**

**Lowe's/GE Money Bank
Attn: Bankruptcy Dept
PO Box 103104
Roswell, GA 30076**

**RBS Citizens
PO Box 42002
Providence, RI 02940-2002**

**Sallie Mae
PO Box 9425
Wilkes Barre, PA 18773**

**Sallie Mae
PO Box 9500
Wilkes Barre, PA 18773-9500**

**US Bank Harley Davidson Financial Visa
PO Box 6335
Fargo, ND 58125-6335**

Date: October 20, 2014

/s/ William V. Bost
William V. Bost